IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

JAN 3 0 2009

JOHN F. CORCORAN, CLERK

JERRY GLENN KILLEN,)
Petitioner,) Civil Action No. 7:08-cv-00025
)
v.) <u>ORDER</u>
)
BRYAN WATSON, WARDEN,) By: Hon. James C. Turk
Respondent.) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is now

ORDERED

that the respondent's motions to dismiss (docket # 22, 28) are **GRANTED**; petitioner's petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This <u>30</u> day of January, 2009.

Senior United States District Judge